

FIRST REGULAR SESSION

SENATE JOINT RESOLUTION NO. 2

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR O'LAUGHLIN.

0953S.02I

KRISTINA MARTIN, Secretary

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 29, 30(a), 30(b), 30(c), 31, and 32 of article IV of the Constitution of Missouri, and adopting seven new sections in lieu thereof relating to the department of transportation.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2026, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article IV of the Constitution of the state of Missouri:

Section A. Sections 29, 30(a), 30(b), 30(c), 31, and 32, article IV, Constitution of Missouri, are repealed and seven new sections adopted in lieu thereof, to be known as sections 29(a), 29(b), 30(a), 30(b), 30(c), 31, and 32, to read as follows:

[Section 29.] **Section 29(a).** [The highways and transportation commission shall be in charge of the department of transportation] **The director of the department of transportation shall be appointed by the governor by and with the advice and consent of the senate, and shall be in charge of the department of transportation. The qualifications of the director shall be fixed by law. The governor shall also appoint a chief engineer by and with the**

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

9 advice and consent of the senate. The qualifications of the
10 chief engineer shall be fixed by law. The highways and
11 transportation commission shall advise the governor
12 regarding transportation matters and the department of
13 transportation. The number, qualifications, compensation
14 and terms of the members of the highways and transportation
15 commission shall be fixed by law, and not more than one-half
16 of its members shall be of the same political party. The
17 selection and removal of all employees **other than the**
18 **director** shall be without regard to political affiliation.
19 [The highways and transportation commission (i) shall have
20 authority over the state highway system; (ii) shall have
21 authority over all other transportation programs and
22 facilities as provided by law, including, but not limited
23 to, aviation, railroads, mass transportation, ports, and
24 waterborne commerce; and (iii) shall have authority to limit
25 access to, from and across state highways and other
26 transportation facilities where the public interests and
27 safety may require. All references to the highway
28 commission and the department of highways in this
29 constitution and in the statutes shall mean the highways and
30 transportation commission and the department of
31 transportation.]

Section 29(b). The department of transportation (i)
2 shall have authority over the state highway system; (ii)
3 shall have authority over all other transportation programs
4 and facilities as provided by law, including, but not
5 limited to, aviation, railroads, mass transportation, ports,
6 and waterborne commerce; and (iii) shall have authority to
7 limit access to, from and across state highways and other
8 transportation facilities where the public interests and
9 safety may require. All references to the highway

10 **commission and the department of highways in this**
11 **constitution and in the statutes shall mean the department**
12 **of transportation.**

Section 30(a). 1. A tax upon or measured by fuel used
2 for propelling highway motor vehicles shall be levied and
3 collected as provided by law. Any amount of the tax
4 collected with respect to fuel not used for propelling
5 highway motor vehicles shall be refunded by the state in the
6 manner provided by law. The remaining net proceeds of the
7 tax, after deducting actual costs of collection of the
8 department of revenue (but after June 30, 2005, not more
9 than three percent of the amount collected) and refunds for
10 overpayments and erroneous payments of such tax as permitted
11 by law, shall be apportioned and distributed between the
12 counties, cities and the [state highways and transportation
13 commission] **department of transportation** as hereinafter
14 provided and shall stand appropriated without legislative
15 action for the following purposes:

16 (1) Ten percent of the remaining net proceeds shall be
17 deposited in a special trust fund known as the "County Aid
18 Road Trust Fund". In addition, beginning July 1, 1994, an
19 additional five percent of the remaining net proceeds which
20 is derived from the difference between the amount received
21 from a tax rate equal to the tax rate in effect on March 31,
22 1992, and the tax rate in effect on and after July 1, 1994,
23 shall also be deposited in the county aid road trust fund,
24 and of such moneys generated by this additional five
25 percent, five percent shall be apportioned and distributed
26 solely to cities not within any county in this state. After
27 such distribution to cities not within any county, the
28 remaining proceeds in the county aid road trust fund shall
29 be apportioned and distributed to the various counties of

30 the state on the following basis: One-half on the ratio that
31 the county road mileage of each county bears to the county
32 road mileage of the entire state as determined by the last
33 available report of the [state highways and transportation
34 commission] **department of transportation** and one-half on the
35 ratio that the rural land valuation of each county bears to
36 the rural land valuation of the entire state as determined
37 by the last available report of the state tax commission,
38 except that county road mileage in incorporated villages,
39 towns or cities and the land valuation in incorporated
40 villages, towns or cities shall be excluded in such
41 determination, except that, if the assessed valuation of
42 rural lands in any county is less than five million dollars,
43 the county shall be treated as having an assessed valuation
44 of five million dollars. The funds apportioned and
45 distributed to each county shall be dedicated, used and
46 expended by the county solely for the construction,
47 reconstruction, maintenance and repairs of roads, bridges
48 and highways, and subject to such other provisions and
49 restrictions as provided by law. The moneys generated by
50 the additional five percent of the remaining net proceeds
51 which is derived from the difference between the amount
52 received from a tax rate equal to the tax rate in effect on
53 March 31, 1992, and the tax rate in effect on and after July
54 1, 1994, shall not be used or expended for equipment,
55 machinery, salaries, fringe benefits or capital
56 improvements, other than roads and bridges. In counties
57 having the township form of county organization, the funds
58 distributed to such counties shall be expended solely under
59 the control and supervision of the county commission, and
60 shall not be expended by the various townships located
61 within such counties. "Rural land" as used in this section

62 shall mean all land located within any county, except land
63 in incorporated villages, towns, or cities.

64 (2) Fifteen percent of the remaining net proceeds shall
65 be apportioned and distributed to the various incorporated
66 cities, towns and villages within the state solely for
67 construction, reconstruction, maintenance, repair, policing,
68 signing, lighting and cleaning roads and streets and for the
69 payment of principal and interest on indebtedness on account
70 of road and street purposes, and the use thereof being
71 subject to such other provisions and restrictions as
72 provided by law. The amount apportioned and distributed to
73 each city, town or village shall be based on the ratio that
74 the population of the city, town or village bears to the
75 population of all incorporated cities, towns or villages in
76 the state having a like population, as shown by the last
77 federal decennial census, provided that any city, town or
78 village which had a motor fuel tax prior to the adoption of
79 this section shall annually receive not less than an amount
80 equal to the net revenue derived therefrom in the year 1960;
81 and

82 (3) All the remaining net proceeds in excess of the
83 distributions to counties, and to cities, towns and villages
84 under this section shall be apportioned, distributed and
85 deposited in the state road fund and shall be expended and
86 used solely as provided in subsection 1 of section 30(b) of
87 Article IV of this Constitution.

88 2. The director of revenue of the state shall make the
89 apportionment, distribution and deposit of the funds monthly
90 in the manner required hereby.

91 3. Except for taxes or licenses which may be imposed
92 uniformly on all merchants or manufacturers based upon
93 sales, or which uniformly apply ad valorem to the stocks of

94 merchants or manufacturers, no political subdivision in this
95 state shall collect any tax, excise, license or fee upon,
96 measured by or with respect to the importation, receipt,
97 manufacture, storage, transportation, sale or use, on or
98 after the first day of the month next following the adoption
99 of this section of fuel used for propelling motor vehicles,
100 unless the tax, excise, license or fee is approved by a vote
101 of the people of any city, town or village subsequent to the
102 adoption of this section, by a two-thirds majority. All
103 funds collected shall be used solely for construction,
104 reconstruction, maintenance, repair, policing, signing,
105 lighting, and cleaning roads and streets and for the payment
106 and interest on indebtedness incurred on account of road and
107 street purposes.

108 4. The net proceeds of fuel taxes apportioned,
109 distributed and deposited under this section to the state
110 road fund, counties, cities, towns and villages shall not be
111 included within the definition of "total state revenues" in
112 section 17 of article X of this constitution nor be
113 considered as an "expense of state government" as that term
114 is used in section 20 of article X of this constitution.

Section 30(b). 1. For the purpose of constructing and
2 maintaining an adequate system of connected state highways
3 all state revenue derived from highway users as an incident
4 to their use or right to use the highways of the state,
5 including all state license fees and taxes upon motor
6 vehicles, trailers and motor vehicle fuels, and upon, with
7 respect to, or on the privilege of the manufacture, receipt,
8 storage, distribution, sale or use thereof (excepting those
9 portions of the sales tax on motor vehicles and trailers
10 which are not distributed to the state road fund pursuant to
11 subsection 2 of this section 30(b) and further excepting all

12 property taxes), less the (1) actual cost of collection of
13 the department of revenue (but not to exceed three percent
14 of the particular tax or fee collected), (2) actual cost of
15 refunds for overpayments and erroneous payments of such
16 taxes and fees and maintaining retirement programs as
17 permitted by law and (3) actual cost of the state highway
18 patrol in administering and enforcing any state motor
19 vehicle laws and traffic regulations, shall be deposited in
20 the state road fund which is hereby created within the state
21 treasury and stand appropriated without legislative action
22 to be used and expended by the [highways and transportation
23 commission] **department of transportation** for the following
24 purposes, and no other:

25 First, to the payment of the principal and
26 interest on any outstanding state road bonds.

27 The term state road bonds in this section 30(b)
28 means any bonds or refunding bonds issued by the
29 [highways and transportation commission]
30 **department of transportation** to finance or
31 refinance the construction or reconstruction of
32 the state highway system.

33 Second, to maintain a balance in the state road
34 fund in the amount deemed necessary to meet the
35 payment of the principal and interest of any
36 state road bonds for the next succeeding twelve
37 months.

38 The remaining balance in the state road fund
39 shall be used and expended in the sole
40 discretion of and under the supervision and
41 direction of the [highways and transportation
42 commission] **department of transportation** for the

43 following state highway system uses and purposes
44 and no other:

45 (1) To complete and widen or otherwise improve and
46 maintain the state highway system heretofore designated and
47 laid out under existing laws;

48 (2) To reimburse the various counties and other
49 political subdivisions of the state, except incorporated
50 cities and towns, for money expended by them in the
51 construction or acquisition of roads and bridges now or
52 hereafter taken over by the [highways and transportation
53 commission] **department of transportation** as permanent parts
54 of the state highway system, to the extent of the value to
55 the state of such roads and bridges at the time taken over,
56 not exceeding in any case the amount expended by such
57 counties and subdivisions in the construction or acquisition
58 of such roads and bridges, except that the [highways and
59 transportation commission] **department** may, in its
60 discretion, repay, or agree to repay, any cash advanced by a
61 county or subdivision to expedite state road construction or
62 improvement;

63 (3) In the discretion of the [commission] **department** to
64 plan, locate, relocate, establish, acquire, construct and
65 maintain the following:

66 (a) interstate and primary highways within the state;
67 (b) supplementary state highways and bridges in each
68 county of the state;

69 (c) state highways and bridges in, to and through state
70 parks, public areas and reservations, and state institutions
71 now or hereafter established to connect the same with the
72 state highways, and also national, state or local parkways,
73 travelways, tourways, with coordinated facilities;

74 (d) any tunnel or interstate bridge or part thereof,
75 where necessary to connect the state highways of this state
76 with those of other states;

77 (e) any highway within the state when necessary to
78 comply with any federal law or requirement which is or shall
79 become a condition to the receipt of federal funds;

80 (f) any highway in any city or town which is found
81 necessary as a continuation of any state or federal highway,
82 or any connection therewith, into and through such city or
83 town; and

84 (g) additional state highways, bridges and tunnels,
85 either in congested traffic areas of the state or where
86 needed to facilitate and expedite the movement of through
87 traffic.

88 (4) To acquire materials, equipment and buildings and
89 to employ such personnel as necessary for the purposes
90 described in this subsection 1; and

91 (5) For such other purposes and contingencies relating
92 and appertaining to the construction and maintenance of such
93 state highway system as the [highways and transportation
94 commission] **department of transportation** may deem necessary
95 and proper.

96 2. (1) The state sales tax upon the sale of motor
97 vehicles, trailers, motorcycles, mopeds and motortricycles
98 at the rate provided by law on November 2, 2004, is levied
99 and imposed by this section until the rate is changed by law
100 or constitutional amendment.

101 (2) One-half of the proceeds from the state sales tax
102 on all motor vehicles, trailers, motorcycles, mopeds and
103 motortricycles shall be dedicated for highway and
104 transportation use and shall be apportioned and distributed
105 as follows: ten percent to the counties, fifteen percent to

106 the cities, two percent to be deposited in the state
107 transportation fund, which is hereby created within the
108 state treasury to be used in a manner provided by law and
109 seventy-three percent to be deposited in the state road
110 fund. The amounts apportioned and distributed to the
111 counties and cities shall be further allocated and used as
112 provided in section 30(a) of this article. The amounts
113 allocated and distributed to the [highways and
114 transportation commission] **department of transportation** for
115 the state road fund shall be used as provided in subsection
116 1 of this section 30(b). The sales taxes which are
117 apportioned and distributed pursuant to this subdivision (2)
118 shall not include those taxes levied and imposed pursuant to
119 sections 43(a) or 47(a) of this article. The term "proceeds
120 from the state sales tax" as used in this subdivision (2)
121 shall mean and include all revenues received by the
122 department of revenue from the said sales tax, reduced only
123 by refunds for overpayments and erroneous payments of such
124 tax as permitted by law and actual costs of collection by
125 the department of revenue (but not to exceed three percent
126 of the amount collected).

127 (3) (i) From and after July 1, 2005, through June 30,
128 2006, twenty-five percent of the remaining one-half of the
129 proceeds of the state sales tax on all motor vehicles,
130 trailers, motorcycles, mopeds and motortricycles which is
131 not distributed by subdivision (2) of subsection 2 of this
132 section 30(b) shall be deposited in the state road bond fund
133 which is hereby created within the state treasury; (ii) from
134 and after July 1, 2006, through June 30, 2007, fifty percent
135 of the aforesaid one-half of the proceeds of the state sales
136 tax on all motor vehicles, trailers, motorcycles, mopeds and
137 motortricycles which is not distributed by subdivision (2)

138 of subsection 2 of this section 30(b) shall be deposited in
139 the state road bond fund; (iii) from and after July 1, 2007,
140 through June 30, 2008, seventy-five percent of the aforesaid
141 one-half of the proceeds of the state sales tax on all motor
142 vehicles, trailers, motorcycles, mopeds and motortricycles
143 which is not distributed by subdivision (2) of subsection 2
144 of this section 30(b) shall be deposited in the state road
145 bond fund; and (iv) from and after July 1, 2008, one hundred
146 percent of the aforesaid one-half of the proceeds of the
147 state sales tax on all motor vehicles, trailers,
148 motorcycles, mopeds and motortricycles which is not
149 distributed by subdivision (2) of subsection 2 of this
150 section 30(b) shall be deposited in the state road bond
151 fund. Moneys deposited in the state road bond fund are
152 hereby dedicated to and shall only be used to fund the
153 repayment of bonds issued by the [highways and
154 transportation commission] **department of transportation** to
155 fund the construction and reconstruction of the state
156 highway system or to fund refunding bonds, except that after
157 January 1, 2009, that portion of the moneys in the state
158 road bond fund which the commissioner of administration and
159 the [highways and transportation commission] **director of the**
160 **department of transportation** each certify is not needed to
161 make payments upon said bonds or to maintain an adequate
162 reserve for making future payments upon said bonds may be
163 appropriated to the state road fund. The [highways and
164 transportation commission] **department of transportation**
165 shall have authority to issue state road bonds for the uses
166 set forth in this subdivision (3). The net proceeds
167 received from the issuance of such bonds shall be paid into
168 the state road fund and shall only be used to fund
169 construction or reconstruction of specific projects for

170 parts of the state highway system as determined by the
171 [highways and transportation commission] **department of**
172 **transportation.** The moneys deposited in the state road bond
173 fund shall only be withdrawn by appropriation pursuant to
174 this constitution. No obligation for the payment of moneys
175 so appropriated shall be paid unless the commissioner of
176 administration certifies it for payment and further
177 certifies that the expenditure is for a use which is
178 specifically authorized by the provisions of this
179 subdivision (3). The proceeds of the sales tax which are
180 subject to allocation and deposit into the state road bond
181 fund pursuant to this subdivision (3) shall not include the
182 proceeds of the sales tax levied and imposed pursuant to
183 sections 43(a) or 47(a) of this article nor shall they
184 include the proceeds of that portion of the sales tax
185 apportioned, distributed and dedicated to the school
186 district trust fund on November 2, 2004. The term "proceeds
187 from the state sales tax" as used in this subdivision (3)
188 shall mean and include all revenues received by the
189 department of revenue from the said sales tax, reduced only
190 by refunds for overpayments and erroneous payments of such
191 tax as permitted by law and actual costs of collection by
192 the department of revenue (but not to exceed three percent
193 of the amount collected).

194 3. After January 1, 1980, any increase in state
195 license fees and taxes on motor vehicles, trailers,
196 motorcycles, mopeds and motortricycles other than those
197 taxes distributed pursuant to subsection 2 of this section
198 30(b) shall be distributed as follows: ten percent to the
199 counties, fifteen percent to the cities and seventy-five
200 percent to be deposited in the state road fund. The amounts
201 distributed shall be apportioned and distributed to the

202 counties and cities as provided in section 30(a) of this
203 article, to be used for highway purposes.

204 4. The moneys apportioned or distributed under this
205 section to the state road fund, the state transportation
206 fund, the state road bond fund, counties, cities, towns or
207 villages shall not be included within the definition of
208 "total state revenues" as that term is used in section 17 of
209 Article X of this constitution nor be considered as an
210 "expense of state government" as that term is used in
211 section 20 of article X of this constitution.

Section 30(c). The [highways and transportation
2 **commission**] **department of transportation** shall have
3 authority to plan, locate, relocate, establish, acquire,
4 construct, maintain, control, and as provided by law to
5 operate, develop and fund public transportation facilities
6 as part of any state transportation system or program such
7 as but not limited to aviation, mass transportation,
8 transportation of elderly and handicapped, railroads, ports,
9 waterborne commerce and intermodal connections, provided
10 that funds other than those designated or dedicated for
11 highway purposes in or deposited in the state road fund or
12 the state road bond fund pursuant to sections 30(a) or 30(b)
13 of this constitution are made available for such purposes.
14 No moneys which are distributed to the state transportation
15 fund pursuant to section 30(b) shall be used for any purpose
16 other than for transportation purposes as provided in this
17 section.

Section 31. Any state highway authorized herein to be
2 located in any municipality may be constructed without
3 limitations concerning the distance between houses or other
4 buildings abutting such highway or concerning the width or
5 type of construction. The [**commission**] **department of**

6 **transportation** may enter into contracts with cities,
7 counties or other political subdivisions for and concerning
8 the maintenance of, and regulation of traffic on any state
9 highway within such cities, counties or subdivision.

Section 32. The funds which are allotted by the
2 **[commission] department of transportation** to the
3 construction or acquisition of supplementary state highways
4 and bridges in each of the counties of the state shall be
5 apportioned to the several counties as follows: One-fourth
6 in the ratio that the area of each county bears to the area
7 of the state, one-fourth in the ratio of the population, and
8 two-fourths on such basis as the **[commission] department of**
9 **transportation** may deem to be for the best interest of
10 highway users; provided the areas and population of cities
11 having a population of 150,000 or more shall not be
12 considered in making such apportionment, and the latest
13 available United States decennial census shall be used;
14 provided further, that if traffic on any supplementary state
15 highway becomes such that a higher type than ordinary
16 supplementary highway construction shall be required, then
17 the **[commission] department of transportation** may construct
18 such higher type and charge such extra cost to unallotted
19 state highway funds. Supplementary state highways shall be
20 selected by mutual agreement of the **[commission] department**
21 **of transportation** and the local officials having charge of
22 or jurisdiction over roads in the territory through which
23 such supplementary state highways are to be constructed.

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